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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,055	03/20/2000	HANS-DIETER HECKER	P00.0069	7794
29177	7590	02/20/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC			GAUTHIER, GERALD	
P. O. BOX 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690-1135			2645	9
DATE MAILED: 02/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/509,055	HECKER, HANS-DIETER	
	Examiner Gerald Gauthier	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11/24/2003.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 9 and 12-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 9 and 12-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 9, 12-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Eslambolchi et al. (US 5,875,422).

Regarding **claim 9**, Eslambolchi discloses automatic language translation technique for use in a telecommunications network (column 1, lines 7-10), (which reads on claimed “a method in a communication system for translating messages that are directed to a called subscriber into a language that is dependent upon the called subscriber”), the method comprising the steps of:

storing selector information (column 3, line 16 “enter a language preference”) designating a language that is allocated to a relevant subscriber (column 3, line 14 “the calling party”) for internal subscribers in the communication system (column 3, lines 14-26) [The front end processor prompts the calling party to choose a language of preference for the speech of the called party];

storing display texts (column 3, line 15 "prompts"), in the communication system, for a dialogue operator interface (26 on FIG. 1) of internal terminal devices (10 on FIG. 1) in several languages (column 3, lines 14-26) [The front end processor provides the calling party with an announcement to choose among several languages];

forming the selector information dependent on the language of the display text for the dialogue operator interface that is selected by a subscriber (column 3, lines 14-26) [The switch launches a call to the called party based on the language chosen by the calling party];

comparing the selector information of a calling subscriber (column 3, line 32 "the calling party"), when a connection is set up, to the selector information of the called subscriber (column 3, lines 27-40) [The front end processor prompts the called party for selecting a language preference when the called party answers the call launches by the switch. Inherently the language of the calling party is compared to the language chooses by the called party for translation]; and

automatically activating a loop-in function (column 3, line 42 "translate the speech received from the called and calling parties"), when items of the selector information of the calling subscriber differs from the selector information in the called subscriber, which effects an insertion of a translator (26 on 28 on FIG. 1) into the connection (column 3, lines 41-51) [The front end processors translate the speech received from both parties as they are in different languages based on the language preferences entered by both parties respectively].

Regarding **claim 12**, Eslambolchi discloses transmitting, when a calling terminal device and a called terminal device are allocated to different communication systems, the selector information from the communication system of the calling terminal device to the communication system of the called terminal device (column 4, lines 38-55).

Regarding **claim 14**, Eslambolchi discloses transmitting, in cases when a calling terminal device and a called terminal device are allocated to different communication systems, the selector information from the communication system of the called terminal device to the communication system of the calling terminal device (column 4, lines 38-55).

Regarding **claim 16**, Eslambolchi discloses deactivating the loop-in function (column 4, lines 1-10).

Regarding **claim 17**, Eslambolchi discloses wherein the message to be translated is at least one of a voice message, a fax message, a video message and a message for electronic mail (column 4, lines 56-65).

Regarding **claim 18**, Eslambolchi discloses automatic language translation technique for use in a telecommunications network (column 1, lines 7-10), (which reads on claimed “a system in a communication system for translating messages, that are directed to a called subscriber, into a language that depends on the called subscriber”), the system comprising:

a text memory (26 on FIG. 1) in which display text for a display operator interface of internal terminal devices (12' on FIG. 1) are stored in several languages (column 4, lines 38-55) [The calling party is prompt to choose the preferred language in options display on the computer];

subscriber-specific storage elements (26 on FIG. 1) in which an item of selector information (column 3, line 16 “to enter a language translation preference”) that identifies a language (column 3, line 20 “one for English”) that has been selected for the subscriber terminal is respectively stored (column 3, lines 14-26) [The switch launches a call to the called party based on the language chosen by the calling party];

at least one translator (28 on FIG. 1) for translating at least one of spoken language and text (column 3, lines 41-51) [The front end processors translate the speech received from both parties]; and

a control unit (24 on FIG. 1) for controlling a loop-in function (26 on FIG. 1) that effectuates an insertion of a translator (28 on FIG. 1) into a connection (column 3, line 41 “the calling and the called parties are connected”) between the called subscriber (column 3, line 41 “the called party”) and a calling subscriber (column 3, line 41 “the calling party”) in cases when the selector information allocated to the called subscriber

is different from the selector information allocated to the calling subscriber (column 3, lines 41-51) [The front end processors translate the speech received from both parties as they are in different languages based on the language preferences entered by both parties respectively].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 13 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Eslambolchi in view of Shaffer et al. (US 6,240,170).

Regarding **claims 13 and 15**, Eslambolchi as applied to **claims 12 and 14** differs from **claims 13 and 15**, in that it fails to disclose an ISDN call signaling.

However, Shaffer teaches transmitting the selector information in the framework of an ISDN call signaling (column 2, lines 29-49).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an ISDN call signaling of Shaffer in the invention of Fung.

The modification of the invention would offer the capability of an ISDN call signaling such as the system would improve the ability of voice processing systems to handle various languages.

***Response to Arguments***

5. Applicant's arguments with respect to **claims 9 and 12-18** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4800.

g.g

February 10, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

